

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

Bail Appl..No. 7412 of 2007()

R.C.NO.22(A)/2006/CBI/SPE/KERALA, ERNAKULAM.

PETITIONER/ACCUSED

RASI BALAKRISHNAN, AGED 37,
S/O. K.R.BALAKRISHNAN, KALARIKKAL HOUSE,
KOORKANCHERY, THRISSUR DISTRICT.

BY ADV. SRI.B.RAMAN PILLAI

RESPONDENTS: COMPLAINANT

THE INSPECTOR OF POLICE,
CBI/SPE, COCHIN, REP. BY THE STANDING COUNSEL,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.S.SREEKUMAR, SC FOR CBI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. No. 7412 OF 2007

Dated this the 4th day of December, 2007

ORDER

Application for anticipatory bail. The petitioner is now arrayed as the 6th accused in a crime registered by the Central Bureau of Investigation, inter alia, under the provisions of the Prevention of Corruption Act. The 1st accused is the father-in-law of the petitioner. He was employed as an official of the Customs Department. During the period from 15/7/03 to 8/7/05 – the check period, the 1st accused is alleged to have amassed wealth grossly disproportionate to his known sources of income. It is alleged that the petitioner and the 1st accused had resorted to an ingenious method of collecting money abroad by the petitioner and transferring it to the 1st accused, his wife and daughters through the petitioner herein. Rs.93,00,000/- remained as unaccounted wealth of the 1st

accused, it is alleged now. Investigation is in progress. Neither the 1st accused nor the petitioner has been arrested so far. The statement of the petitioner has once been recorded earlier. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the only crime committed by the petitioner is that he had married the daughter of the 1st accused. The petitioner is well qualified and is honourably employed getting handsome salary and income from his professional and business activities abroad. The Investigating Officers want the petitioner to oblige them by giving statements against the interests of the 1st accused. The petitioner is unwilling to do so the same. The petitioner is kept on tenterhooks. Only after this bail application was filed, has the petitioner been arrayed as the 6th accused. The petitioner is willing to co-operate with the Investigators. The petitioner does not deserve to endure the trauma of arrest and incarceration. In these circumstances, the petitioner may be granted anticipatory bail, it is prayed.

3. The learned Standing Counsel for the C.B.I. opposes the application. The learned Standing Counsel submits that sufficient data has already been collected to indicate that the 1st accused has amassed wealth grossly disproportionate to his

known sources of income. It has also been revealed from the investigation so far that the petitioner has been used or has been co-operating as a conduit. Through him such ill-gotten wealth is transferred to the account of the 1st accused and his other close relatives. The version given by the 6th accused is far from satisfactory. They are contradictory and unacceptable. The petitioner has to be subjected to detailed and exhaustive interrogation to unearth the truth. There is absolutely no circumstances justifying or warranting the invocation of the extraordinary equitable discretion under Sec.438 of the Cr.P.C., submits the learned Standing Counsel.

4. Having considered all the relevant inputs, I do find merit in the opposition by the learned Standing Counsel. I am unable to perceive any features in this case which can justify or warrant the invocation of the extraordinary equitable discretion under Sec.438 of the Cr.P.C. In a serious crime like this the petitioner must co-operate with the Investigators. He must surrender before the Investigating Officers or the court having jurisdiction and then seek regular bail in the normal and ordinary course.

5. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the

B.A. No. 7412 OF 2007 -: 4 :-

Investigating Officers or the court concerned and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Judge must proceed to pass appropriate orders on merits and expeditiously.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge